

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

**A.G., a minor child; D.A., a minor child;)
A.L., a minor child; M.K., a minor child;)
and M.H., a minor child;)**

PLAINTIFFS,)

VS.)

**AUTAUGA COUNTY BOARD OF)
EDUCATION, et al.,)**

DEFENDANTS.)

CASE NO: 2:05-CV-1090-MEF

**B.H., a minor child, by and through his)
mother and next of friend, D.S.,)**

PLAINTIFFS,)

VS.)

**AUTAUGA COUNTY BOARD OF)
EDUCATION, et al.,)**

DEFENDANTS.)

CASE NO: 2:06-cv-0393-MEF

**DEFENDANTS AUTAUGA COUNTY BOARD OF EDUCATION,
JOSEPH L. BUTLER AND DENE CLEVELAND'S RESPONSE
TO PLAINTIFFS' MOTION TO SHORTEN TIME FOR RESPONSE
TO TENTH REQUEST FOR PRODUCTION**

COME NOW Defendants Autauga County Board of Education, Joseph L. Butler and Dene Cleveland and respectfully provide the following response to plaintiffs' motion to shorten time for defendants' response to plaintiffs' Tenth Request for Production of Documents:

1. Defendants have not received plaintiffs' Tenth Request for Production of Documents.

2. Therefore, they are unable to determine whether shortening the time for their response would prejudice them.

3. Defendants' counsel did not respond to plaintiffs' letter dated March 15, 2007 prior to the time they filed their motion to shorten time because they have both been on vacation and out of the office. Since Rule 34 provides a 30 day response period, the March 15th letter did not seem urgent.

4. If the plaintiffs' Tenth Request for Production of Documents contains the same requests made in the March 15th letter, defendants will make a good faith effort to provide the requested documents to plaintiffs within twenty-one days of defendants' receipt of the Tenth Request for Production.

5. However, if plaintiffs' Tenth Request for Production contains additional requests for documents, defendants object to their time for responding to such requests being shortened to twenty-one days.

6. Defendants object to plaintiffs' statement that they have had difficulty obtaining discovery from the Defendants in this matter. As explained in Defendants' Response to plaintiffs' motion to compel, Defendants attempted to work with plaintiffs on several occasions in order to comply with plaintiffs' most recent request. Furthermore, over the course of thirteen months, these defendants have responded to nine separate request for

production, each with sub-parts, and three sets of interrogatories, each with sub-parts, from plaintiffs. There have been forty-two depositions taken in this case, twenty-four taken by the plaintiffs.

WHEREFORE, PREMISES CONSIDERED, Defendants Autauga County Board of Education, Joseph L. Butler and Dene Cleveland respectfully object to plaintiffs' Motion to Shorten Time for Defendants' Response to Plaintiffs' Tenth Request for Production of documents.

Respectfully submitted,

s/Katherine C. Hortberg

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CERTIFICATE OF SERVICE

I hereby certify that I have on this **26th** day of **March, 2007**, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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